

Defendants, Mitchell, and J.D. Power shall file a letter(s) by **April 22, 2022**, stating whether they seek to maintain the redacted portions of Plaintiffs' Consolidated Amended Class Action Complaint under seal, and if so, identifying the basis for sealing each portion that they seek to maintain under seal, in accordance with the three-part test in *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006).

So Ordered.

Dated: April 18, 2022
New York, New York

The Honorable Lorna G. Schofield
United States District Court
Southern District of New York 500
Pearl Street, Room 1950
New York, NY 10007



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Re: *Volino, et. al. v. Progressive Casualty Ins. Co., et al.*, No. 1:21-cv-06243-LGS

Dear Judge Schofield:

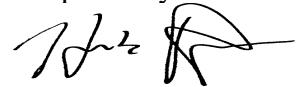
Pursuant to Rule I.D.3 of the Court's Individual Rules of Practice, and the Stipulated Protective Order entered on October 21, 2021, (ECF No. 45), as amended on January 25, 2022 (ECF No. 77), Plaintiffs respectfully request leave to file under seal Plaintiffs' Consolidated Amended Class Action Complaint ("CAC"). The CAC references and discusses information that Defendants Progressive Advanced Insurance Company ("PAIC"), Progressive Max Insurance Company ("PMIC"), and Progressive Casualty Insurance Company ("PCIC") (collectively "Defendants") have designated as confidential, as well as information that third parties Mitchell International, Inc. ("Mitchell") and J.D. Power have designated as confidential or highly confidential.

Plaintiffs seek leave to file the CAC under seal because it quotes or references materials and information Defendants, Mitchell, and J.D. Power have designated as confidential. Pursuant to Rule I.D.3, and paragraph ten of the Stipulated Protective Order, a redacted copy of the CAC will be publicly filed contemporaneously with this letter, along with a copy of the unredacted CAC with highlighted redactions under seal.

Plaintiffs are redacting portions of the CAC to comply with their obligations under the Stipulated Protective Order. These redactions do not reflect Plaintiffs' position on whether those designations should stand under Second Circuit law.

Counsel for Plaintiffs conferred with Defendants' counsel who agreed that the CAC should be filed under seal.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Hank Bates".

Hank Bates

cc: All Counsel of Record via ECF

APPENDIX 1

Pursuant to Rule I.D(3), the following attorneys of record should have access to the sealed letter-motion requesting a premotion conference on Plaintiffs' motion for class certification:

Counsel for Plaintiffs	Counsel for Defendants
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